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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3
4 ----- X

5 LIFE IS GOOD., INC.,

6 Plaintiff, Civil Action

7 vs. No. 04-cv-11290-REK

8 LG ELECTRONICS, U.S.A., INC.,

9 LG ELECTRONICS MOBILECOMM

10 U.S.A., INC., (formerly

11 LG INFOCOMM U.S.A., INC.),

12 Defendants.

13 ----- X

14 VIDEOTAPED DEPOSITION OF JOHN JACOBS, a witness

15 called by and on behalf of the Defendants, taken

16 pursuant to the provisions of the Federal Rules of

17 Civil Procedure, before Dana Welch, a Registered

18 Professional Reporter and Notary Public in and

19 for the Commonwealth of Massachusetts, at the

20 offices of Finnegan, Henderson, Farabow, Garrett

21 & Dunner, LLP, on Friday, October 14, 2005,

22 commencing at 10:31 a.m.

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1 John to step outside, I'll tell you the problem I 10:45:54
2 have with the question. 10:45:56

3 MR. SOMMERS: No, that's fine. That's 10:45:58
4 fine.

5

6 BY MR. SOMMERS:

7 Q Do you have any specific recollection of who 10:46:00
8 specifically came up with the words "life is good"? 10:46:02

9 A In the history of world? I don't understand the 10:46:02
10 question. 10:46:06

11 Q Your use. 10:46:06

12 A Came up with it? We've actually -- it's kind of 10:46:08
13 vague in my memory whether it was myself or Bert or 10:46:18
14 even Kerrie Gross, who worked with us at that time. 10:46:24

15 Q Well, at the time you came up with it, was it a 10:46:28
16 saying that you were familiar with it? 10:46:32

17 A Yes. 10:46:34

18 Q Okay. And why was that? 10:46:34

19 A Because I'd heard it. I had heard people say it. 10:46:36

20 Yeah. 10:46:40

21 MR. SOMMERS: If I could have marked as 10:47:00
22 Exhibit 27 a September 15, 2005 article. 10:47:02

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1 Q What about other T-shirts that are depicted here, 11:08:58
2 are there any that are -- that don't enjoy large 11:09:18
3 sales or end up in the obscure category that you -- 11:09:24
4 A I'll try to peg one that's -- 11:09:32
5 MR. KIRBY: You looking for another 11:09:34
6 example or two? 11:09:36
7 MR. SOMMERS: Yeah. 11:09:38
8 THE WITNESS: That are not popular or not 11:09:40
9 as popular? 11:09:40
10 BY MR. SOMMERS: 11:09:42
11 Q Right. 11:09:42
12 A I'd say "Rock On" on page 14. Let's see. Mix It 11:09:44
13 Up, page 18. 11:10:18
14 Q Thank you. 11:10:30
15 A Uh-huh. 11:10:30

16 Q If I could refer you to page 15. And I note that 11:10:32
17 the top article of clothing there in the upper 11:10:44
18 right-hand corner it says, "Roll Over." Do you see 11:10:48
19 that? 11:10:52
20 A I see it, yes. 11:10:52
21 Q How do you come up with words to place underneath 11:10:54
22 the drawings? 11:11:02

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1 A I like words. So I think of phrases that might be 11:11:08
2 appealing or funny and that would go along with the 11:11:18
3 graphic or the drawing. 11:11:22

4 Q Are the words you're choosing also choosing to help 11:11:24
5 promote the underlying theme of the products? 11:11:32

6 A Yes. 11:11:36

7 Q So for example, were you involved with use of the 11:11:38
8 words "Reel Time"? 11:12:06

9 A Yes. 11:12:08

10 Q "Downward Dog"? 11:12:10

11 A Yeah. 11:12:12

12 Q "Board Meeting"? 11:12:12

13 A Yeah. 11:12:14

14 Q And what was the reason that you chose those words? 11:12:14

15 A I felt that they would resonate with people and 11:12:20
16 people would get, feel a connection. They'd 11:12:30
17 understand the connection to the product, whether 11:12:36
18 it was humorous or just expressing something 11:12:40
19 positive or whatever the case is. 11:12:44

20 Q Were those -- were those words used with drawings? 11:12:46

21 A "Reel time," "Board Meeting" and -- 11:12:52

22 Q "Downward Dog"? 11:12:58

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1 A Yes. 11:12:58

2 Q And what was "Board Meeting" used with? 11:13:00

3 A That was Jake surfing with Rocket, the dog. 11:13:08

4 Q And what was the purpose of using the word "Board" 11:13:12

5 Meeting" there? 11:13:16

6 A Because that generally would be perceived as a very 11:13:16

7 corporate or serious phrase. And we turned it 11:13:24

8 around and made it, to me, it's a humorous use of 11:13:32

9 that phrase because of surfboard. 11:13:36

10 Q Kind of anti-corporate message? 11:13:40

11 MR. KIRBY: Oh, now, I get it, John. 11:13:42

12 THE WITNESS: I don't know about 11:13:46

13 anti-corporate, but a relaxed use of that phrase 11:13:48

14 which is sometimes, most often used in a serious 11:13:52

15 way. 11:13:56

16 BY MR. SOMMERS: 11:13:56

17 Q What about "reel time"? 11:13:56

18 A "Reel time" -- 11:13:58

19 MR. KIRBY: Would you spell that for the 11:14:00

20 reporter. 11:14:02

21 THE WITNESS: Okay. R-E-E-L, "Reel 11:14:04

22 Time." And it was a fishing graphic. And again, I 11:14:06

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1 think people usually used that phrase in a more 11:14:10
2 serious setting and we turned it into a phrase 11:14:12
3 referencing a very relaxed activity. 11:14:16
4 BY MR. SOMMERS: 11:14:20
5 Q And that was used in connection with a fishing 11:14:20
6 graphic? 11:14:26
7 A Yes. 11:14:28
8 Q What about "Downward Dog"? 11:14:28
9 A That is a yoga pose, from what I understand, and 11:14:30
10 our dog -- we have a dog character named Rocket. 11:14:36
11 So we had him doing the "Downward Dog" pose. 11:14:42
12 Q In each of these instances, am I correct that 11:14:48
13 you're using these sayings in connection with some 11:14:56
14 particular graphic to communicate a message to 11:15:02
15 consumers? 11:15:06
16 A Yes. 11:15:06
17 Q Okay. Would that be the case where I -- on page 11:15:08
18 15, where there's this shirt up above, in the 11:15:20
19 right-hand corner that says "Roll Over"? 11:15:24
20 A Would what be the case? What you just asked 11:15:28
21 earlier? 11:15:34
22 Q Right. 11:15:34

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1 face, updated smiley face? 11:23:34
2 A Smiley face stick figure I've heard, yeah; or even 11:23:34
3 just smiley face, yeah, I've heard that. 11:23:42
4 Q If I could turn back to the words "life is good," 11:23:46
5 when those were first created, I believe you had 11:23:56
6 testified that they were first written on a wall? 11:24:00
7 A We put it up on the wall. 11:24:04
8 Q Okay. Well, let me ask you, how was it first 11:24:06
9 created and maybe how did it end up on that wall? 11:24:10
10 A My recollection is not crystal clear, but my best 11:24:14
11 guess is that we were trying to think of a brand 11:24:20
12 name that would pull together our designs. Because 11:24:24
13 we -- we had made many different designs and sold 11:24:32
14 them on the road. But we needed something that -- 11:24:38
15 that was central to the whole -- we were trying to 11:24:46
16 create a brand and not just have random graphics, 11:24:52
17 you know, on T-shirts. 11:24:58
18 And I remember there was one -- one shirt 11:25:00
19 we were thinking of selling for a street fair, but 11:25:10
20 it was -- it was specific to Boston. I think it 11:25:16
21 was a newspaper drawing of a newspaper kid with 11:25:22
22 "Boston," but we were talking more about something 11:25:26

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1 with, you know -- I'm fishing for words because I 11:25:32
2 just remember it once people -- your original 11:25:42
3 question is where it came from, right? 11:25:48
4 I don't know if it's enough to say I 11:25:54
5 don't really know. I remember more the response to 11:25:56
6 it than what Bert and I were talking about, you 11:25:58
7 know, when it came up. 11:26:04
8 Q Let's go to the response. What response did it 11:26:04
9 get? 11:26:08
10 A Positive response, just like Jake did. Because we 11:26:10
11 had many things on the wall, but Jake and "life is 11:26:14
12 good" got a positive response. 11:26:20
13 Q And what gave you the positive response? I don't 11:26:22
14 understand what you mean. 11:26:26
15 A Oh, friends visiting. We lived and worked in our 11:26:28
16 apartment, so when they came by, we, you know, 11:26:32
17 always asked people's opinions of things. And 11:26:36
18 those -- both those things got a positive response. 11:26:40
19 Q Do you know who wrote the words "life is good" next 11:26:42
20 to Jake? 11:26:46
21 A Physically, I'm going to say Bert. Like I said, we 11:26:46
22 were -- I was never clear who came up with it for a 11:26:54

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1 brand name. 11:26:58

2 MR. KIRBY: He's crystal clear. 11:27:00

3 THE WITNESS: Okay. 11:27:02

4 BY MR. SOMMERS: 11:27:04

5 Q If I could have you turn to Exhibit 11 in there. 11:27:04

6 A Just keep going down below? 11:27:12

7 Q Please. They're in numerical sequence. 11:27:16

8 A Can you tell me what's on it? 11:27:24

9 Q (Indicating). 11:27:26

10 A Oh, okay. 11:27:26

11 Q And if I could direct you down -- well, let me ask 11:27:28

12 you first, are you familiar with this article? 11:27:32

13 A Yes. 11:27:34

14 Q And if I could direct you down to the fourth 11:27:34

15 paragraph that begins with "we had been selling 11:27:38

16 T-shirts." 11:27:40

17 A Uh-huh. 11:27:40

18 Q And my question relates to the last line of that 11:27:40

19 paragraph. And if I could have you read that into 11:27:44

20 the record. 11:27:46

21 A "We made a list of sayings and 'life is good' is 11:27:46

22 the one every one liked." 11:27:50

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1 Q Is that kind of an accurate summary of what 11:27:52
2 happened? 11:27:56
3 A I think so. But like I said, I'm not crystal clear 11:27:58
4 on when we physically wrote down that phrase. 11:28:04
5 Q And perhaps I could refer you down to 1, 2, 3, 4 -- 11:28:08
6 four more paragraphs, the one that begins with 11:28:14
7 "People get hit with some much negative impact." 11:28:18
8 A Okay.
9 Q Do you see that? 11:28:22
10 A Yeah. 11:28:22
11 Q And my question is, the last two sentences of that 11:28:22
12 paragraph that are contained in a quote, could you 11:28:30
13 read those into the record for me, beginning with 11:28:34
14 "life is." 11:28:36
15 A "Life is good. says, enjoy your day, have fun. 11:28:36
16 When other slogans can be negative, ours says relax 11:28:38
17 and enjoy what you're doing." 11:28:42
18 Q Do you agree with that? 11:28:44
19 A Yeah, for the most part, yeah. 11:28:46
20 Q Am I -- if I could have you just simply read the 11:28:48
21 next paragraph into the record as well, please. 11:29:02
22 A "And it's not just the Jacobs brothers who are hip 11:29:04

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1 on the brand's message. Retailers all over the 11:29:08
2 country are seeing everyone from kids to older 11:29:10
3 customers buying items proclaiming that life is 11:29:14
4 good." 11:29:18

5 Q My question deals with the last part of that, 11:29:18
6 "proclaiming life is good." In that context, do 11:29:20
7 you understand the author is using "life is good" 11:29:28
8 in normal, grammatical context, as opposed to using 11:29:30
9 it as a brand name for your company? 11:29:36

10 A Yeah. There's no capital L, yeah. 11:29:38

11 Q Have you seen the words "life is good" used in text 11:29:42
12 to communicate an ordinary meaning, other than as a 11:29:48
13 trademark of your company? 11:29:54

14 A To communicate what? 11:29:54

15 Q An ordinary meaning, other than as a trademark for 11:29:56
16 your company. 11:30:00

17 A Yes. 11:30:00

18 Q Okay. In those contexts, what do you understand 11:30:02
19 the words to be communicating? 11:30:10

20 A A positive statement. 11:30:12

21 Q Is it much the same message that you are trying to 11:30:18
22 communicate with your Life is good trademark? 11:30:22

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1 A I think so; usually similar, if I saw it or heard 11:30:24
2 it. 11:30:28

3 Q Do I understand correctly that you were an English 11:30:28
4 major? 11:30:34

5 A Yes. 11:30:34

6 MR. KIRBY: Now you're in for it. 11:30:40

7 MR. SOMMERS: Yeah. I won't ask 11:30:42

8 technical English phraseologies and things. 11:30:44

9 THE WITNESS: Pretty good speller. 11:30:48

10 MR. KIRBY: I thought a gerund question 11:30:52

11 was coming. Those are always tough ones. 11:30:56

12 THE WITNESS: I don't know what that is. 11:30:58

13 BY MR. SOMMERS: 11:31:02

14 Q If I could have you turn to the exhibit that's 11:31:02
15 directly underneath that, which is Exhibit 12, and 11:31:04
16 ask, is this an article that you're familiar with? 11:31:16

17 A I probably read this a long time ago, but let me 11:31:20
18 just see. I would guess that I read this many 11:31:34
19 years ago. 11:31:42

20 Q Perhaps I could just refer you to the last 11:31:42

21 paragraph in that article that starts on -- that 11:31:48

22 ends on the first page -- 11:31:52

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1 A Uh-huh. 11:31:52

2 Q -- and carries over to the second page and have you 11:31:54
3 read that into the record for me, please. 11:31:56

4 A This "some people think," that one? 11:31:58

5 Q Kindly. 11:32:00

6 A "Some people think our brand and slogan have to do 11:32:00
7 with celebrating the good life, but that's not 11:32:04
8 necessarily true," says Bert Jacobs. "Our slogan 11:32:06
9 is not about being in a fancy sports car, smoking 11:32:10
10 a cigar. It's about maintaining a spirit of 11:32:14
11 optimism when maybe not everything is going all 11:32:16
12 that well. Every once in a while, I'll see an old 11:32:18
13 car that has a few dents and there's a Life is 11:32:22
14 good. bumper sticker on the back and I think to 11:32:24
15 myself, 'that guy gets it.'" 11:32:26

16 Q Would you agree with what Bert is quoted as saying? 11:32:28

17 A Yeah. 11:32:32

18 THE VIDEOGRAPHER: We've got about 11:32:38

19 4 minutes of tape left. 11:32:40

20 MR. SOMMERS: Thank you very much. 11:32:42

21 BY MR. SOMMERS: 11:32:42

22 Q If I could ask you, when the concept of Jake and 11:32:42

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1 everything -- I think we printed 48 shirts, and we 11:34:06
2 sold them all that day, with "life is good." 11:34:10
3 Q What about the shirts that didn't have "life is 11:34:12
4 good"? 11:34:16
5 A I could guess but not as strong as "life is good." 11:34:16
6 Q Okay. Do you have an understanding of why the 11:34:20
7 shirts with "life is good" sold out and the others 11:34:24
8 didn't? 11:34:26
9 A Because the message resonated with our customers. 11:34:28
10 Q Is it your opinion that people were buying the 11:34:32
11 shirts because of the saying? 11:34:36
12 A And Jake, I think. 11:34:38
13 Q Did you have any labels inside the shirts on the 11:34:40
14 back collars? 11:34:54
15 A I don't think so that day. 11:34:58
16 Q Was there any labels at all on the back sides of 11:35:00
17 the collars? 11:35:04
18 A Yeah. If we didn't have a Life is good. label, it 11:35:06
19 probably was Oneita or -- that's my best guess; 11:35:10
20 that's another label. 11:35:14
21 Q And what's Oneita? 11:35:16
22 A It's a T-shirt manufacturer. 11:35:18

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1 MR. KIRBY: Or an American Indian tribe. 11:35:20
2 THE WITNESS: Is it? Thank you. 11:35:22
3 BY MR. SOMMERS: 11:35:24
4 Q Would you have had labels with Life is good. on the 11:35:24
5 first sales? 11:35:30
6 A Pardon me? 11:35:30
7 Q On your first sales of the T-shirts, would you have 11:35:30
8 had a label with Oneita in the back or one with 11:35:32
9 Life is good.? 11:35:36
10 A I think you just asked that. I think it was 11:35:38
11 probably Oneita. 11:35:40
12 MR. SOMMERS: Why don't we take a break 11:35:42
13 since I understand that the tape is about to 11:35:44
14 expire. 11:35:48
15 THE VIDEOGRAPHER: The time is 11:34. 11:35:50
16 This is the end of cassette number 1. We're off 11:35:54
17 the record. 11:36:00
18 (Proceedings interrupted at 11:01 a.m. 11:36:02
19 and reconvened at 11:38 a.m.) 11:36:04
20 THE VIDEOGRAPHER: Time is 11:38. This 11:39:56
21 is the beginning of cassette number 2 in the 11:40:02
22 deposition of John Jacobs. 11:40:04

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1 people reference us, our mark is with the capital 11:55:34
2 L. 11:55:36
3 Q And no capital on the I, no capital on the G? 11:55:36
4 A Right. 11:55:42
5 Q What's the reason that you do that? 11:55:42
6 A I like the way it looks. 11:55:44
7 Q Any others? 11:55:48
8 A I don't -- not that I know of. 11:55:50
9 Q Did you ever consider capitalizing the G or the I? 11:55:58
10 A I think some of the early designs may have had, 11:56:06
11 early sketches, but I prefer it the way we ended 11:56:12
12 up. 11:56:16
13 Q When you were first considering using the words 11:56:16
14 "life is good," did you consider any other 11:56:26
15 variations of those words, such as "the good life," 11:56:30
16 "life is great"? 11:56:38
17 A I think we probably did. 11:56:40
18 Q What others did you consider? 11:56:44
19 A Probably like the ones you suggested, "life is 11:56:46
20 great," "the good life"; life is -- "life is 11:56:54
21 great," "life is good," yeah, I'd say that's it. 11:57:08
22 Q Why did you opt to choose "life is good"? 11:57:10

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- 1 A I think it expresses something that's not too over 11:57:14
2 the top or in your face. And "life is great" is a 11:57:24
3 little too much in my opinion. And for some reason 11:57:28
4 "life is good," to me, communicates it's not always 11:57:38
5 good, it's not great, and the message isn't too 11:57:40
6 much. It's -- it's just an optimistic way to look 11:57:46
7 at life. 11:57:52
- 8 Q What about "the good life"? 11:57:52
- 9 A What about "the good life"? I personally think 11:57:54
10 that communicates to a lot of people a life with 11:58:06
11 riches or -- people associate I think maybe with 11:58:14
12 once you've made it financially or something like 11:58:20
13 that, so I don't like that as much as "life is 11:58:24
14 good." 11:58:26
- 15 Q It's not an image that you hope to create with Life 11:58:26
16 is good.? 11:58:34
- 17 A What's that? 11:58:34
- 18 Q The image that you described for "the good life." 11:58:36
- 19 A No, no. 11:58:40
- 20 Q Are you involved with the media that you use to 11:58:42
21 promote and advertise your products? 11:58:56
- 22 A Can you be more specific? 11:58:58

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1 put it. 12:02:22

2 Q I understand. Let me ask you this: What are the 12:02:22

3 values of the brand? 12:02:26

4 A Oh. Simplicity, appreciation for the things we 12:02:26

5 have, being positive; and those are the core values 12:02:32

6 I think. 12:02:48

7 Q Thank you. Do you have an understanding of -- of 12:02:56

8 how recognized your brand is among the public? 12:03:06

9 A Do I have an understanding? To what degree is hard 12:03:16

10 to measure, yeah. 12:03:24

11 Q Well, do you have any understanding? 12:03:26

12 A From my daily experiences, yes, you know, more 12:03:28

13 people are aware of it than they were at the very 12:03:36

14 beginning. I mean, that's obvious to me. 12:03:40

15 Q What about as it exists today; how aware do you 12:03:44

16 believe, based on your experience, the public is to 12:03:52

17 your brand? 12:03:56

18 A How would I measure that kind of thing? I don't 12:03:58

19 know. If you ask me something specific I -- I just 12:04:00

20 don't know how to answer that. 12:04:04

21 Q Well, maybe let me ask it this way: Would you 12:04:08

22 agree with me that the brand Nike is well known? 12:04:12

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1 that was taken against Miller? 12:54:44

2 A Miller? I remember a "life is good" campaign by 12:54:46

3 them. And I remember them moving on from that 12:54:54

4 campaign. But I -- I don't think we -- my 12:55:00

5 recollection is we didn't file anything. 12:55:06

6 Q If I could refer you to Exhibit 22 in there. 12:55:12

7 A Uh-huh. What's it going to look like? 12:55:14

8 Q It's -- it looks like this. 12:55:20

9 A All right. 12:55:24

10 Q If I could have you take a look at that and tell me 12:55:32

11 is this the campaign that you're aware of? 12:55:36

12 A Yep, looks like it. 12:55:38

13 Q When were you aware of the campaign? 12:55:50

14 A I can take a guess at what year that happened. Do 12:55:54

15 you want me to guess what year? 12:56:04

16 Q If you have a recollection of -- 12:56:06

17 A Well, this says right on it, '96. That sounds 12:56:08

18 about right. 12:56:14

19 Q Do you know if the campaign ran before or after you 12:56:16

20 first used the Life is good. name? 12:56:24

21 A I think it was after we first used it. 12:56:28

22 Q Are you certain of that? 12:56:34

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1 Q Any involvement of your company with beer? 12:58:10

2 A Yeah. 12:58:16

3 MR. SOMMERS: Why don't we take a break 12:58:18

4 here. 12:58:20

5 THE VIDEOGRAPHER: The time is 12:57 and 12:58:22

6 we're off the record. 12:58:26

7 (Proceedings interrupted at 12:57 p.m. 12:58:36

8 and reconvened at 1:16 p.m.) 01:15:56

9 THE VIDEOGRAPHER: The time is 1:16. 01:15:56

10 We're back on the record. 01:18:00

11 Q Mr. Jacobs, before our break, we were speaking 01:18:02

12 about Miller's use of the words "life is good." 01:18:08

13 And my question to you is, do you know eventually 01:18:20

14 whether or not your company contacted Miller about 01:18:28

15 that use? 01:18:30

16 A I don't remember specifically. I remember being 01:18:30

17 maybe a little intimidated by the notion of 01:18:40

18 contacting such a big company. But I feel like 01:18:44

19 right when we were wrestling with that, we saw that 01:18:48

20 they had moved on to a new ad campaign. 01:18:52

21 Q So would it be fair to say you don't know whether 01:18:54

22 you contacted Miller or not? 01:18:58

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a website works.' But my focus right now is to try 01:41:06
to move along a project that makes our site easier 01:41:10
to navigate, makes it look the way I think it 01:41:20
should look to represent Life is good. and make it 01:41:24
an overall more efficient site. But I'll be 01:41:32
consulting people who -- with people who actually 01:41:36
understand how a website works to get that done. 01:41:40

8 Q When you indicated that you're trying to make it 01:41:50
look the way you think it should look to represent 01:42:04
9 10 Life is good., what specifically are you referring 01:42:06
11 to? 01:42:10

12 A We have a certain look to many of our products and 01:42:12
13 graphics and catalogs, and I want to try my best, 01:42:16
14 our best -- we want to try our best to keep the 01:42:24
15 website consistent with that look, which people 01:42:28
16 respond well to and that I like and that I feel 01:42:32
17 represents the brand well. 01:42:36

18 Q Would I be correct that you believe that you have a 01:42:38
19 particular unique look about your catalogs and 01:42:42
20 things that you'd like to bring into the website? 01:42:48

21 A Yes. 01:42:50

22 Q Would I also be correct that you have a particular 01:42:50

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1 unique look that you try and use throughout all 01:42:54
2 your communications? 01:42:58
3 A Yes. 01:43:00
4 Q Could you just try to describe for me what that 01:43:02
5 look is? 01:43:10
6 A Okay. "Kind of friendly, informal, obviously 01:43:12
7 positive and optimistic, but colorful, and down 01:43:18
8 home would be another expression, humble, sometimes 01:43:30
9 humorous, that sort of thing. 01:43:36
10 Q Do you believe that all these things are associated 01:43:38
11 by consumers with your company? 01:43:44
12 A We like to think at least some of those people 01:43:46
13 relate to our company. 01:43:52
14 Q I mean, visually in connection with those? 01:43:54
15 A Yes. 01:43:58
16 MR. SOMMERS: If I could take a quick 01:44:02
17 break. 01:44:04
18 THE VIDEOGRAPHER: Time is 1:42. We're 01:44:06
19 off the record. 01:44:08
20 (Proceedings interrupted at 1:42 p.m. and 01:44:10
21 reconvened at 1:51 p.m.) 01:52:16
22 THE VIDEOGRAPHER: Time is 1:51. This is 01:52:16

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1 the beginning of cassette number 4 in deposition of 01:52:42
2 John Jacobs. We're back on the record. 01:52:44
3 BY MR. SOMMERS: 01:52:46
4 Q Mr. Jacobs, if I could ask you to look at 01:52:46
5 Exhibit 10, which is a copy of your catalog. 01:52:52
6 A Okay. 01:52:54
7 Q Before the break, you were discussing the company 01:52:58
8 look. 01:53:02
9 A Uh-huh. 01:53:02
10 Q Would I be correct that Exhibit 10 reflects your 01:53:02
11 efforts at creating the company look? 01:53:08
12 A Yeah. It coincides with the look and feel of -- 01:53:12
13 yes, the answer is yes. 01:53:20
14 Q This would be a representative illustration of what 01:53:22
15 the company look is? 01:53:26
16 A Sure. 01:53:26
17 Q Okay. Have you had an opportunity to visit LG's 01:53:28
18 site? 01:53:34
19 A The website? 01:53:34
20 Q Yes. 01:53:36
21 A No. 01:53:36
22 Q Have you had an opportunity to review LG's product 01:53:36

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